

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Sandoz Inc., *et al.*,

Plaintiffs,

v.

United Therapeutics Corporation, *et al.*,

Defendants.

Case No. 2:19-cv-10170-BRM-LHG

**ORDER GRANTING JOINT
REQUEST TO WITHDRAW THE
JANUARY 27, 2023 OPINION &
ORDER**

ORDER

THIS MATTER, having been opened to the Court by Joint Request of the Parties for an Order Withdrawing the January 27, 2023 Opinion & Order of the Special Discovery Master Regarding Parties' Respective Motions Under Rule 37(e) (ECF No. 400), the Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Fact discovery in this matter closed on April 6, 2021, and expert discovery closed on August 13, 2021.

2. On March 30, 2022, the Special Master held "that the determination of whether spoliation has in fact occurred is within the purview of the Special Master's duties." On April 29, 2022 and July 21, 2022, Sandoz Inc. and United Therapeutics

Corporation (collectively, the “Parties”) submitted motions to the Special Master under Rule 37 alleging spoliation (collectively, the “Underlying Motions”). The Parties’ competing motions were fully brief on October 3, 2022.

3. On January 27, 2023, the Special Master issued an Opinion & Order of the Special Discovery Master Regarding Parties’ Respective Motions Under Rule 37(e) (*see* ECF No. 400, “Opinion & Order”), based on the Underlying Motions. The deadline to appeal the Opinion & Order before it becomes final is February 17, 2023.

4. On January 31, 2023, the Special Master entered an Order Granting Joint Request To Seal the Opinion & Order (ECF No. 401), which stated that the Opinion & Order “is hereby SEALED until the later of 10 days after the Order becomes final and no longer subject to appeal to the District Court or resolution of any motion to seal filed by any party within that 10 day window.” (*Id.*).

5. On Tuesday, February 14, 2023, the Parties reached a mutual agreement to withdraw the Underlying Motions, and requested that the Special Master withdraw the Opinion & Order (ECF No. 400) resolving the Underlying Motions as moot.

6. The Parties further advise that no discovery disputes remain in this matter.

WHEREFORE, the Court having found that the relief sought is warranted; and for other good cause shown:

IT IS, on this 15th day of February 2023, **ORDERED:**

1. The Parties' Joint Request To Withdraw the January 27, 2023 Opinion & Order of the Special Discovery Master Regarding Parties' Respective Motions Under Rule 37(e) (ECF No. 400) is **GRANTED**;

2. The Opinion & Order of the Special Discovery Master Regarding Parties' Respective Motions Under Rule 37(e) (ECF No. 400) is hereby **WITHDRAWN** in its entirety as moot; and

3. It appears that no further discovery disputes remain in this matter under the District Court's Order of Referral (ECF No. 234), and that, unless otherwise ordered by Hon. Brian R. Martinotti, U.S.D.J., the undersigned's role in this matter has concluded.

IT IS SO ORDERED.

/s/ Jose L. Linares

Hon. Jose L. Linares,
United States District Judge (Ret.)